

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, May 31, 2005**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

Kate Mauck recorded the following minutes:

CALL TO ORDER

The meeting was called to order at 9:11 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, May 24, 2005, as corrected. Motion carried, 5-0.

COMMENDATION: AMERICORPS*VISTA VOLUNTEER

The Board of County Commissioners presented a Commendation to AmeriCorps*VISTA Volunteer Elaine M. Chun, who successfully completed one year of service to the citizens of St. Mary's County.

BAY RESTORATION FUND FEE ORDINANCE

Present: George Forrest, County Administrator
Heidi Dudderar, Deputy County Attorney

An Ordinance that would adopt an exemption to and approve the method of implementing the \$30 state-mandated Bay Restoration Fund fee was presented for consideration by the Board of County Commissioners. A public hearing regarding the matter was conducted on May 17, 2005, with comment from only one citizen, who was not in opposition of the implementation process. No written public comment was received during the open comment period.

Commissioner Mattingly asked the County Attorney to make a change on pages one and two of the Ordinance, in order to provide consistency regarding the Board of County Commissioners' title, and to bring the matter back for a final decision during the afternoon session.

COUNTY ADMINISTRATOR

1. Draft Agendas for June 7 and June 14, 2005

Commissioner Raley asked that the agenda for June 14th provide additional time to cover the Land Use and Growth Management issue regarding Office Business Parks.

2. **Department of Recreation, Parks, and Community Services**

Present: Jackie Beckman, Highway Safety Coordinator
Cynthia Brown, Community Services Division Manager

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Highway Safety Project Agreement and related Budget Amendment. Motion carried, 5-0.

3. **Sheriff's Department**

Present: Sheriff David Zylak
Erin Shoemaker, Fiscal Manager

- a. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Federal Equitable Sharing Agreement. Motion carried, 5-0.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment for award funding for the CS Incentive Program from the Maryland Child Support Enforcement Administration. Motion carried, 5-0.**

4. **Walden/Sierra, Inc.**

Present: Dr. Kathleen O'Brien, Executive Director

- a. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Memorandum of Agreement for Services to Victims of Domestic Violence and Their Families with the State of Maryland, Department of Human Resources, Office of Victim Services. Motion carried, 5-0.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Memorandum of**

Agreement for Services for the Rape Crisis Program with the State of Maryland Department of Human Resources, Office of Victim Services. Motion carried, 5-0.

5. Department of Aging

Present: Jennie Page, Deputy Director
Peggy Maio, Fiscal Supervisor

- a. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Department of Aging Older American's Act Title III Notification of Grant Award. Motion carried, 5-0.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Senior Health Insurance (SHIP) Notification of Grant Award. Motion carried, 5-0.**

6. Department of Public Works and Transportation (George Erichsen, Director)

- a. *Public Works Agreement for Gardiner's Place Subdivision, Section 1. Located in the **8th Election District** with an expiration date of January 1, 2007. A Letter of Credit has been provided by the Community Bank of Tri-County in the amount of \$77,100. The road included in this agreement is: Lanyon Court (408').*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement for Gardiner's Place Subdivision, Section 1. Motion carried, 5-0.

- b. *Resolution accepting Hillary Court and Mary Margaret Court located in the Emerald Hills Subdivision, Phases 2 and 3, **8th Election District**. Also, attached are resolutions posting a 25-mph speed limit and stop signs for said roads.*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign Resolution accepting Hillary Court and Mary Margaret Court into the county's road system, and approve and sign Resolutions for posting a 25-mph speed limit and stop signs for said roads. Motion carried, 5-0.

- c. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the scheduling of a Public Hearing for the fixing and levy of benefit assessment charge for the Golf Course Drive Extended Road Improvement Taxing District. Motion carried, 5-0.**

7. Department of Land Use and Growth Management

Present: Denis Canavan, Director

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign grant contract for \$38,000 for the Chesapeake Bay Critical Area Commission for the Chesapeake and Coastal Bays Grant-in-Aid Program. Commissioner President McKay abstained; all other Commissioners voted in favor of the motion. Motion carried, 4-0.

8. Chief Financial Officer

Present: Elaine Kramer

- a. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to approve two Budget Amendments which will realize the Care First refund by funding Departmental Personal Services shortfalls and moving the remaining excess funds into the Board of County Commissioners' Emergency Appropriation Reserve Account. Motion carried, 5-0.**
- b. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, for staff to proceed with funding the increased costs for Sheriff's Department vehicle costs by adding \$170,000 to the authorized level of costs to be exempt financed for FY2005. Motion carried, 5-0.**

9. Department of Economic and Community Development

Present: Donna Sasscer, Agriculture Manager

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Release of St. Mary's County Agriculture Land Preservation Agreement with Mr. Lawrence Rowland and Ms. Sheiloh Rowland. Commissioner Jarboe abstained from the motion; all other Commissioners voted in favor. Motion carried, 4-0.

Commissioner Jarboe departed the meeting during the vote taken on this item.

10. County Administrator – Employment Contracts

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Employment Contract for Denis Canavan, Director of Land Use and Growth Management. Motion carried, 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Employment Contract for Susan Sabo, newly hired Director of Human Resources. Motion carried, 5-0.

PRESENTATION OF RESOLUTION APPROVING DESIGNATION OF PROPERTIES AS MARYLAND AGRICULTURE LAND PRESERVATION DISTRICTS

Present: Donna Sasser, Agriculture Development Manager

A Resolution that would authorize six property owners to participate in the Maryland Agriculture Land Preservation Program was presented for a final decision. A public hearing regarding the matter was conducted on May 24, 2005. The landowners are: William Clay, Dale Cropper, James Farr, Joseph Lumpkins, Old Gum Supply, and James Horstkamp.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Resolution that approves the designated properties for William Clay, Dale Cropper, James Farr, Joseph Lumpkins, Old Gum Supply, and James Horstkamp to be included in the Maryland Agriculture Land Preservation Program. Motion carried, 5-0.

PRESENTATION OF FINAL 2006 BUDGET AND SETTING OF TAX RATES

Present: Elaine Kramer, Chief Financial Officer
Jeannett Cudmore, Deputy Director, Finance Department

The Finance Department presented a Revenue Tax Ordinance and an Appropriation Ordinance for Fiscal Year 2006 for review and a final decision. After proper legal advertising, a public hearing regarding the matters was conducted on April 26, 2005, at Great Mills High School.

The St. Mary's County Public Schools submitted an additional budget request this morning in the form of a letter. The letter outlined a request totaling \$609,400 that would provide coverage for discipline enhancement at Great Mills High School, a teacher for the Criminal Justice Program at the Dr. James A. Forrest Career & Technology Center and Data Warehouse, in order to meet the requirements of No Child Left Behind and the Bridge to Excellence. Commissioner President McKay presented a table outlining a proposal to fund the request in full and additional proposals/recommendations regarding the budget for 2006. These proposals were discussed and each Commissioner presented his recommendations regarding the 2006 budget.

Commissioner Raley asked Commissioners if they would agree to conduct a budget work session with the Sheriff's Department during the course of the year and each Commissioner agreed.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the Ordinance for Levying Rates for St. Mary's County Revenue Taxes, Emergency Services Tax Rates, Property Tax Rate, Service Charge Energy and

Fuel Tax Rates, and Special District Tax Rates for Fiscal Year 2006. Motion carried, 5-0.

It was determined that a proposal should come from staff that would outline how \$50,000 in funding for scholarships for students attending CSM would be used. The proposal should outline income criteria for students to qualify.

It was determined that approval of the FY 2006 Budget Appropriation Ordinance would be taken up during the afternoon session.

ADJOURN AS THE ST. MARY'S COUNTY BOARD OF COUNTY COMMISSIONERS AND RECONVENE AS DISTRICT COUNCIL FOR THE SPECIAL TAXING DISTRICT

Commissioner Jarboe moved, seconded by Commissioner Raley, to adjourn as the St. Mary's Board of County Commissioners. Motion carried, 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to reconvene as District Council. Motion carried, 5-0.

PUBLIC HEARING – TO AMEND ORDINANCE 2004-10 OF THE HOLLY POINT SHORE EROSION CONTROL SPECIAL TAXING DISTRICT TO INCLUDE PROPERTY OF TAX MAP 68, PARCEL 17 INTO THE BOUNDARY

Present: George Erichsen, Director, Department of Public Works and Transportation

A public hearing was held in order to Amend Ordinance 2004-10 of the Holly Point Shore Erosion Control Special Taxing District to include the property of Tax Map 68, Parcel 17 (Fritz property) into the boundary of the District. The property will be included in the boundary, but will not be levied an annual assessment as petitioned by the remaining property owners. The public hearing was properly advertised in *The Enterprise* on May 20 and May 27, 2005.

The Commissioner President opened the public hearing for comment, and as no one was present to speak, the hearing was closed. The matter will remain open for written public comment for ten days, and will then be placed on an agenda for final discussion/decision.

PUBLIC HEARING: FOR HOLLY POINT SHORE EROSION CONTROL SPECIAL TAXING DISTRICT TO REVIEW COMPLETE PLANS, SPECIFICATIONS, AND UPDATED COST INFORMATION TO PROCEED WITH THE DISTRICT IN ACCORDANCE WITH ARTICLE 25, SECTION 165 OF THE ANNOTATED CODE OF MARYLAND

Present: George Erichsen, Director, Department of Public Works and Transportation

A public hearing was conducted for Holly Point Shore Erosion Control Special Taxing district to review the complete plans, specifications, and updated cost information to proceed with the District in accordance with Article 25, Section 165 of the Annotated Code of Maryland. The public hearing was properly advertised in *The Enterprise* on May 20 and May 27, 2005. Construction plans, certified mailings, and public notices were properly placed and submitted as required.

Mr. Erichsen provided an overview of the funding for the project. All costs to be reimbursed to the County will take place via assessments being levied on the four property owners for twenty-five years.

Commissioner President McKay opened the public hearing for public testimony, with the following input being read by Mr. Erichsen on behalf of a citizen:

John D. Porcari, 50681 Holly Point Road, Dameron – Mr. Erichsen read a letter submitted by

Mr. Porcari, who planned to speak regarding the matter at the public hearing, but was unable to attend. Mr. Porcari expressed his strong support for the establishment of the District and the rapid construction of the improvements. (*Written comment on file at the Department of Public Works and Transportation*)

As there was no one else present to speak, the public hearing was closed. The matter will remain open for written public comment for ten days, and will then be placed on an agenda for discussion and a final decision.

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

Commissioner Raley moved, seconded by Commissioner Jarboe, to reconvene as the Board of County Commissioners for St. Mary's County. Motion carried, 5-0.

BAY RESTORATION FUND FEE ORDINANCE

(Continued from the morning session)

Present: George Forrest, County Administrator
Heidi Dudderar, Deputy County Attorney

Ms. Dudderar presented a revised Ordinance for the Bay Restoration Fund Fee based on direction given by the Board during the morning session.

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and sign the Ordinance for Bay Restoration Fund Fee. Motion carried, 5-0.

PRESENTATION OF PROPOSED RE-ORGANIZATION PLAN FOR THE DEPARTMENT OF PUBLIC SAFETY

Present: Patrick Walsh, Director, Public Safety
Heidi Dudderar, Deputy County Attorney

Mr. Walsh presented a proposed re-organization plan for the Department of Public Safety based on funds allocated in the recommended Fiscal Year 2006 budget. The Deputy County Attorney provided input on whether the plan should be adopted before or after discussion on individual positions/personnel that would take place during Executive Session. Commissioners Raley and Mattingly stated that they would need further input from Ms. Dudderar regarding whether or not they should recuse themselves during the upcoming Executive Session. (Topic to be continued after Executive Session)

Commissioner Mattingly stepped out of the meeting during a portion of the discussion, and returned prior to the vote to move into Executive Session.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to move into Executive Session in order to discuss a matter of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried, 5-0.

Donna Gebicke recorded the following minutes:

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr. (*left the meeting for part of discussion due to potential conflict of interest*)
Commissioner Daniel H. Raley
George Forrest, County Administrator
Heidi Dudderar, Deputy County Attorney
Patrick Walsh, Director, Public Safety Dept.
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 3:25 pm – 4:55 pm

Action Taken: The Commissioners discussed personnel matters.

Kate Mauck recorded the remaining minutes:

PRESENTATION OF PROPOSED RE-ORGANIZATION PLAN FOR THE DEPARTMENT OF PUBLIC SAFETY *(continued)*

Present: Patrick Walsh, Director, Department of Public Safety
Heidi Dudderar, Deputy County Attorney

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Reorganization Plan for the Department of Public Safety as presented, with the implementation restricted to \$100,000 and a limit of eight Communication Specialist III positions. Commissioner Raley and Commissioner Mattingly abstained from voting on the motion; all other Commissioners voted in favor. Motion carried, 3-0.

PRESENTATION AND APPROVAL OF FINAL 2006 BUDGET
(Continued from the morning session)

Present: Elaine Kramer, Chief Financial Officer
Jeannett Cudmore, Deputy Director, Finance Department

The Finance Department presented revisions to the proposed Fiscal Year 2006 budget and a final Ordinance for discussion and approval. A Capital Improvements Project Summary was outlined and the budget for the Sheriff's Department was discussed.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign the Fiscal Year 2006 St. Mary's County Appropriations Ordinance as presented. Commissioner President McKay voted against the motion; all other Commissioners voted in favor. Motion carried 4-1.

COMMISSIONERS' TIME

Commissioner Jarboe

Reported that he attended the Memorial Day Ceremony at the Charlotte Hall Veteran's Home on Monday, May 30. It was a very good affair, and Colonel Tim Hutchins was an excellent speaker at the event. Commissioner Jarboe stated that he was proud that the people in the Veteran's Home are located within his district.

Commissioner Raley

Reported that he attended the College of Southern Maryland Graduation Ceremony, and reiterated that 35% of the graduates from CSM are from St. Mary's County.

Reported that Commissioners Mattingly and McKay played in the Marcey House Golf Tournament, and that he attended the kickoff for this very important fundraising event.

Reported that several Commissioners attended the American Legion Post 255 Memorial Day Ceremony event in Ridge, and they did an excellent job.

Encouraged the high school graduates in the County to have a good time during graduation this week, and reminded them to be safe and careful.

Commissioner Dement

Stated that he attended the Memorial Day Ceremony at the American Legion Post 255 in Ridge, which had a nice turnout.

Commissioner Mattingly

Reported that he attended, along with several other Fire and Rescue representatives in the County, a presentation to the Dr. James A. Forrest Career & Technology Center administration that outlined a proposal for a Tech Center program involving Fire, Emergency, and Rescue Training. Commissioner Mattingly outlined some information about the proposed program.

Expressed congratulations to the College of Southern Maryland graduates, and also congratulations to Larry Harvey and others involved in the Marcey House Golf Tournament, which is a good fundraising event.

Reported that he attended the award ceremony that was held by Ms. Arnold of the Circuit Court that showed appreciation for her dedicated staff. Many longstanding employees were presented awards and much-deserved recognition.

Expressed happy birthday wishes to Lucy May Hanson of Valley Lee, who celebrates her birthday this week. Reported that a nice event was recently held in her honor.

Commissioner President McKay

Expressed condolences to the family of Ms. Lauren Latham, student at Ryken High School, who recently was killed in an automobile accident. Commissioner McKay attended services for Ms. Latham, and stated that he would be attending graduation ceremonies at Ryken this evening. Ms. Latham would have graduated with the seniors tonight. The ceremony will be dedicated in her honor by the graduating class of 2005.

ADJOURNMENT

The meeting adjourned at 5:36 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

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